

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES P. SHARKEY and TOTAL LAUNDROMAT
CONCEPTS, INC. d/b/a AQUARELLE FILTRATION
SYSTEMS,

Civil Action No. 04-0397 (SJF, JO)

Plaintiffs,

**STIPULATION AND
ORDER OF DISMISSAL**

vs.

ALLTEC PRODUCTS, INC. and DOES 1 Through 50,

Defendants
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This case having come on to be heard upon the application of the parties hereto, and Plaintiffs James P. Sharkey and Total Laundromat Concepts, Inc. d/b/a Aquarelle Filtration Systems and Defendant Alltec Products, Inc. having agreed upon a basis for settlement of the matters averred in the Complaint, with each of the parties to bear its own costs, disbursements and attorney's fees, and the parties having agreed that this Stipulation and Order of Dismissal in the form herein be entered, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiffs' First Claim For Relief alleges infringement of U.S. Patent No. 5,575,913 ("the '913 Patent") by a filtration system known as the Alltec LRF-AC Filtration System (the "Alltec System").
2. The Alltec System is described in the declaration of Louis Mangione dated May 11, 2004 in support of defendant's Motion For Partial Summary Judgment of Non-Infringement (the "Mangione Declaration").
3. Plaintiffs' First Claim For Relief is dismissed with prejudice as it relates to any claim of infringement of the '913 Patent by any device made, used, sold, offered for sale or imported into the United States that is identical to the Alltec System described in the Mangione Declaration.

4. Plaintiffs' Second Claim For Relief alleges copyright infringement of the Aquarelle Filtration Water Treatment System Operations and Maintenance Manual, annexed as Exhibit C to the complaint, by the Owners/Operators Maintenance & Operations Manual for the LRF-AC Water Filtration System ("the Alltec Manual"), a copy of which is annexed to this Stipulation. The handwritten notations were added by Plaintiffs and form no part of the Alltec Manual.

5. Plaintiffs' Second Claim For Relief is dismissed with prejudice as it relates to any claim of copyright infringement by the Alltec Manual.

6. Defendant's First Counterclaim For a Declaratory Judgment of Non-Infringement of the '913 Patent is dismissed without prejudice.

7. Defendant's Second Counterclaim For a Declaratory Judgment of Invalidity of the '913 Patent is dismissed without prejudice.

8. Defendant's Third Counterclaim For a Declaratory Judgment of Copyright Invalidity is dismissed without prejudice.

9. Defendant's Fourth Counterclaim For a Declaratory Judgment of Non-Infringement of Copyright is dismissed with prejudice as it relates to any claim of copyright infringement by the Alltec Manual.

10. The parties waive any right to appeal the dismissal of the claims recited herein.

11. Nothing in this Stipulation and Order of Dismissal shall be deemed to dismiss any claim not specifically delineated herein.

12. This Stipulation and Order of Dismissal disposes of all matters in issue in this case without costs, disbursements or attorney's fees.

Dated: Uniondale, New York

November 3, 2005


RIVKIN RADLER LLP

Stephen J. Smirti, Jr. (2777)

Celeste M. Butera (5659)

926 EAB Plaza

West Tower – 10th Floor

Uniondale, New York 11556-0926

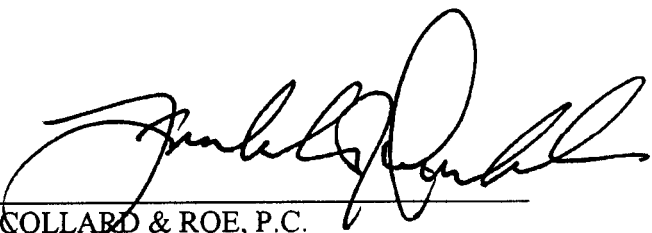
(516) 357-3000

Attorneys for Plaintiffs

JAMES P. SHARKEY and TOTAL

LAUNDROMAT CONCEPTS, INC. d/b/a

AQUARELLE FILTRATION SYSTEMS


COLLARD & ROE, P.C.

Allison C. Collard, Esq.

Frederick J. Dorchak, Esq.

Edward J. Callaghan, Esq.

1077 Northern Boulevard

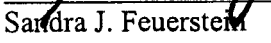
Roslyn, NY 11576

(516) 365 9802

Attorneys for Defendant

ALLTEC PRODUCTS, INC.

SO ORDERED


Sandra J. Feuerstein
United States District Judge

11/9/05